

RECEIVED

JUN - 5 1997

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

Federal Communications Commission
Office of Secretary

In the Matter of

Telephone Number Portability

)
)
) CC Docket No. 95-116
) RM 8535
)
)

To: The Commission

DOCKET FILE COPY ORIGINAL

COMMENTS IN SUPPORT OF PETITION FOR RECONSIDERATION

NEXTEL COMMUNICATIONS, INC.

Robert S. Foosaner
Vice President and
Chief Regulatory Officer

Lawrence R. Krevor
Director - Government Affairs

Laura L. Holloway
General Attorney

Nextel Communications, Inc.
1450 G Street, NW
Suite 425
Washington, D.C. 20005
202-296-8111

Date: June 5, 1997

No. of Copies rec'd
List ABCDE

015

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
)	
Telephone Number Portability)	CC Docket No. 95-116
)	RM 8535
)	
)	

To: The Commission

COMMENTS IN SUPPORT OF PETITION FOR RECONSIDERATION

I. INTRODUCTION

Pursuant to Section 1.429 of the Rules of the Federal Communications Commission ("Commission"), Nextel Communications, Inc. ("Nextel") respectfully submits these Comments in support of the Petition for Reconsideration filed by the American Mobile Telecommunications Association ("AMTA") in the above-referenced proceeding.^{1/}

In the Petition, AMTA seeks reconsideration of the Commission's First Memorandum Opinion and Order and Order on Reconsideration ("MO&O") to the extent that it did not resolve issues relating to the definition of "covered Specialized Mobile Radio ("SMR")." AMTA, Nextel and others sought reconsideration or clarification of the Commission's definition of "covered SMR" for purposes of applying the number portability requirements. As currently written, the definition includes traditional analog SMR systems that provide local, fleet dispatch services used primarily by businesses. As AMTA stated in its Petition, the impending

^{1/} Petition for Reconsideration, filed May 15, 1997.

number portability deadlines require expeditious action by the Commission to clarify the applicability of the number portability obligation.

II. DISCUSSION

A. Nextel Provides Both Traditional and Enhanced SMR Services

Nextel is the Nation's largest provider of SMR services, providing traditional analog SMR services to approximately 700,000 mobile units nationwide and digital enhanced SMR services to approximately 500,000 mobile units in over 200 cities nationwide. Nextel's digital services offer consumers an integrated package of wireless telecommunications services, including mobile telephone, paging, and fleet and one-to-one dispatch services. Nextel is in the process of transitioning its analog systems into its nationwide all-digital network, thereby gradually decreasing the extent of its analog operations while expanding its digital operations.

Nextel seeks Commission clarification that the telephone number portability requirements are not applicable to its traditional analog dispatch SMR systems. The continuing lack of Commission action on this question creates substantial risk and uncertainty for Nextel and other analog SMR operators. Therefore, Nextel files these Comments in support of AMTA's Petition.

B. The Commission Must Act Expeditiously To Clarify Its Definition Of "Covered SMR"

In the MO&O, the Commission deferred its decision on the scope of the "covered SMR definition" to a further proceeding.^{2/} The

^{2/} MO&O at fn. 427.

current definition of "covered SMR" -- those SMRs "that hold geographic area licenses" or "who have obtained extended implementation authorizations in the 800 MHz or 900 MHz SMR service, either by waiver or under Section 90.629 of [the] rules^{3/} -- appears to encompass numerous SMR systems offering primarily local dispatch services. Typically, the customers on these systems have mobile fleets in which only a few users are provided interconnect call capability; the vast majority are limited to two-way dispatch communications with the fleet dispatcher and the rest of the fleet. The interconnect users share a limited number of telephone lines assigned to the system base station which they can access on a "as available" basis. Individual users do not have a telephone number assigned to their mobile unit.

As Nextel stated in its Petition for Reconsideration in this docket, the mere fact that an SMR operator has received a geographic license or an extended implementation grant does not mean it can or will configure its system on a "cellular-like" basis to offer potentially competitive wireless telephone service. Rather, many of these licensees, including Nextel's analog systems, offer principally localized, traditional dispatch services that are used primarily by businesses and local governments with fleets of mobile workers. Nextel's analog SMR systems, moreover, do not have automatic call hand-off between cell sites since they typically

^{3/} First Report and Order, 11 FCC Rcd 18455 (1996) at para. 19.

feature only one high-power base station. Consequently, they have no mobile switching center, they cannot be upgraded with any of the technical capabilities necessary for telephone number portability, e.g., SS7 signalling, and the system's users have no phone number. Providing a service with no telephone number makes it impossible to fulfill the Commission's telephone number portability requirements.

The current definition, therefore, should be amended and/or clarified to encompass only those SMR systems that offer consumers two-way voice services using a mobile telephone switching facility. This would ensure that the telephone number portability requirements apply only to high capacity SMR systems with the licensed channels divided into groups that are then assigned to specific geographic cells (as defined in Section 22.2), that can be reused within the service area and are capable of automatically handing off a mobile unit's call as that mobile unit travels throughout the service area.^{4/} In fact, as noted above, it is only on these high-capacity SMR systems that customers have a telephone number to be ported.

Further, the Commission should make clear that the amended definition is applied on a system-by-system basis. As discussed above, Nextel holds many SMR licenses -- some of them for single site local dispatch, non-cellular systems; others for wide-area, two-way voice services using a switching facility. The fact that

^{4/} See Section 22.2 of the Commission's rules for the definition of a "cellular" system. Nextel's proposed definition of "covered SMR" would ensure that only systems similarly configured to a cellular system would be covered by the resale obligations.

Nextel provides services other than localized analog dispatch does not change the fact that telephone number portability is not applicable to its traditional dispatch services.

C. Nextel Supports Tolling The Telephone Number Portability Deadline

Nextel supports AMTA's request that the implementation deadlines be tolled until after the Commission has determined which SMR systems are encompassed by the "covered SMR" definition.^{5/} A significant number of SMR licensees, including Nextel as to its traditional analog systems, are uncertain about the application of telephone number portability requirements. Rather than forcing these licensees to invest time and resources in number portability implementation because deadlines are nearing, the Commission should toll the implementation deadline until after it has resolved this issue.

The Commission concluded in the First Report and Order on number portability that CMRS carriers would require two years to implement the portability requirements.^{6/} Therefore, if the Commission nonetheless imposes this requirement on local SMRs, it should start that two-year time period for the affected SMR licensees after it has resolved the issue of the "covered SMR" definition.

^{5/} Petition at p. 3.


^{6/} First Report and Order and Further Notice Of Proposed Rule Making, 11 FCC Rcd 8352 (1996) at para. 134.

III. CONCLUSION

The Commission's continued inaction on the scope of the "covered SMR" definition as it applies to telephone number portability has created regulatory uncertainty for numerous SMR providers. To end this uncertainty and ensure appropriate application of the telephone number portability requirements, the Commission should limit the scope of "covered SMR" to encompass only high-capacity, cellular-like SMR systems that potentially will compete with other CMRS providers. In the interim, the Commission should toll the telephone number portability deadlines as they currently apply to local analog SMR systems.

Respectfully submitted,

NEXTEL COMMUNICATIONS, INC.

By, 

Robert S. Foosaner
Vice President and
Chief Regulatory Officer

Lawrence R. Krevor
Director - Government Affairs

Laura L. Holloway
General Attorney

Nextel Communications, Inc.
1450 G Street, NW
Suite 425
Washington, D.C. 20005
202-296-8111

Date: June 5, 1997

CERTIFICATE OF SERVICE

I, Rochelle L. Pearson, hereby certify that on this 5th day of June, 1997, I caused a copy of the attached Comments in Support of Petition for Reconsideration of Nextel Communications, Inc. to be served hand delivery and first-class mail, postage prepaid to the following:

- * Alan Shark
Jill Lyon
American Mobile Telecommunications
Association
1150 - 18th Street, N.W., Ste. 250
Washington, D.C. 20036
- * Elizabeth Sachs, Esq.
Lukas, McGowan, Nace &
Gutierrez
1111 Nineteenth Street, N.W.
Washington, D.C. 20036

David Furth, Chief
Wireless Telecommunications Bureau
Commercial Wireless Division
Policy and Rule Branch
Federal Communications Commission
Room 700
2100 M Street, NW
Washington, D.C. 20554

A handwritten signature in cursive script, reading "Rochelle L. Pearson", written over a horizontal line.

Rochelle L. Pearson

*First Class Mail